

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-093411

01/10/2014

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT
V. Felix
Deputy

IN RE THE MATTER OF
LORI KIM KARTCHNER

LORI KIM KARTCHNER
3942 E DECATUR ST
MESA AZ 85205

AND

KELLY MYLES KARTCHNER

KELLY MYLES KARTCHNER
1100 N PRIEST DR # 2023
CHANDLER AZ 85226

UNDER ADVISEMENT RULING

The Court has considered the evidence and the testimony of the parties. During the course of the proceedings and shortly thereafter, several things became apparent that should have caused the Court to continue the proceedings, or make inquiries before taking the matter under advisement. First, the parties have been paying and receiving some payments that did not show up in the Case Status Report. Ms. Estrada provided proof of payment by Mr. Kartchner, and Mr. Kartchner contended that he was entitled to even more credit in light of expenses he had undertaken for their daughters' wedding, among other expenses over the years. Unfortunately, Mr. Kartchner did not have the corroborating documentation, nor was the Court aware of any agreement to forego support obligations in lieu of paying for other expenses on behalf of the parties' children.

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Next, Ms. Estrada was asking for Enforcement authority of the Court, but did not seem to fully appreciate that such actions would contemplate the possibility of incarceration, and seemed to opine that such a consideration was too harsh a consequence for non-compliance with court orders issued by a previous judge.

Next, Mr. Kartchner seemed startled by the limitations on a Court in retroactive modifications of support obligations, so much so that he went into apparent medical distress and discontinued participation in the process. At this point, the Court concluded the proceedings.

After the Court left, Ms. Estrada advised that Mr. Kartchner seemed to intimate a special relationship with the Judge of this Division. In reviewing the records, the Court recalled that Mr. Kartchner had worked for Chandler Lexus, and that he had had professional dealings with the Judge of this Division.

The parties inadvertently left this Court in a most untenable position requiring the Court resetting this matter for a scheduling conference and a hearing. First, the Court does not feel there is a conflict of interest, but would like to hear from Ms. Estrada if she would be more comfortable having another judge handle this matter. Second, the Court concludes that the parties did not properly provide each other with full and timely disclosure, forcing each party to do a “trial by ambush” without specifically intending that to be the case. Third, the parties need to identify with specificity what issues they are asking the Court to address. For instance, is Ms. Estrada really asking that Mr. Kartchner be held in contempt, or is she asking the Court to order Mr. Kartchner to make payments as previously ordered? Is Mr. Kartchner really asking for retroactive modification of his support obligations to a date that predates the filing of his petition, and if so, what legal basis would a judge have to even consider that request? What records have the parties not received from each other, so that the Court can order their disclosure to ensure a hearing on the merits? Accordingly,

IT IS ORDERED continuing this matter for a Case Management Conference on **April 8, 2014, at 9:00 a.m.** in this Division. The parties shall be prepared to address each and every issue in this minute entry.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.